

management and development company which was founded in 2001 by Robert Cole. (**Exhibit 1, para. 2**). Further, the company owns and operates seven (7) hotels which operate under franchise agreements with Marriott or Hilton. The properties are located in Texas, New Jersey, Maine, **Alabama** and Tennessee. (**Exhibit 1, para. 2; see also Exhibit 2, para. 6**).

At all times, Plaintiff reported to Roger A. Miller of Hospitality Ventures. Miller not only directed the Plaintiff's work, but established her performance goals. (**Exhibit 3**). Miller has submitted an affidavit on behalf of the Defendant admitting he is employed by Hospitality Ventures Management. There is no question that Miller also supervised Ms. Watts' job duties for the sales and marketing functions at the Fairfield Inn in Montgomery.

The Defendant's own documents refute Miller's testimony that Hospitality Ventures does not own, nor operate the Fairfield Inn by Marriott. (**Exhibits 1 and 2**). Further, the FMLA defines an employer as "any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer[.]" Quoting FMLA, 29 U.S.C. § 2611(4)(A)(ii)(I). See also *Darby v. Bratch*, 287 F.3d 673, 681 (8th Cir. 2002).

Plaintiff has attached to her opposition several e-mails between Miller and Watts, wherein Miller is directing and supervising the Plaintiff. Further, the CEO of

Hospitality Ventures, Robert Cole, was copied on many of these same e-mails. Exhibit 4 represents an e-mail from Robert Cole to the Plaintiff complimenting the Plaintiff on her job performance and indicating that “you are generating a lot of momentum on the revenue side...keep it going!!” (**Exhibit 4**).

Plaintiff was employed in the capacity as the Director of Sales and Marketing and was provided a job description by Hospitality Ventures. The job description provides a summary of Plaintiff’s duties depicting she is to, “sell facility services as staff of the hotel in accordance with the facility’s business/marketing plan in order to meet or exceed budgeted sales department room, night and revenue goals. Utilizes **Hospitality Ventures’** principles and standards as a foundation for all the actions.” (**Exhibit 5**). Plaintiff also signed these job duties (**Exhibit 5**) representing, “As employed by Fairfield Inn Montgomery/**Hospitality Ventures**, I hereby accept this documentation of my duties as Director of Sales and Marketing.

As part of those duties, Plaintiff was often provided with the sales figures and occupancy numbers of the other hotels that Hospitality Ventures, LLC owns and operates. (**Exhibit 6**). Plaintiff was further provided a quarterly incentive compensation plan also from Hospitality Ventures. (**Exhibit 7**).

The defendant’s own documents depict there is absolutely no truth in Defendant’s assertion to this Court that it does not have employees, nor has it

conducted any operations from January 1, 2003, to present. Hospitality Ventures not only set the salary and compensation plan for the Plaintiff, it also established the job duties and directed Plaintiff's day to day work. (**Exhibit 8**). Summary judgment is due to be denied.

II. Defendant is Estopped from Alleging that Plaintiff is not Entitled to FMLA Leave

Defendant has admitted in its position statement to the EEOC that it, while not required to do so, allowed the Plaintiff to take a leave of absence after giving birth. (**Exhibit 9, paras. 3 and 5**). The Defendant specifically stated in its EEOC position statement that "[O]n August 11, 2005, Ms. Watts began a maternity leave and gave birth the following day. On September 27, 2005, Ms. Watts asked to extend her maternity leave until the first week of November. The company permitted her to extend her maternity leave as requested." (**Exhibit 9, p. 2, para. 2; see also Exhibit 10**). There is therefore no quarrel from the Defendant that Plaintiff requested a leave of absence pursuant to FMLA, was granted that leave, and then terminated. (See also **Exhibit 10**).

An employer who remains silent when its employee announces that she plans to take medical leave if effectively misleading that employee into believing that she is protected by the FMLA. *Kosakow v. New Rochelle Radiology Assoc.*, 274 F.3d 706

(2nd Cir. 2001). The court held in *Kosakow* that “a party may be estopped where that party makes a definite misrepresentation (or in the present case, a misrepresentation by silence) and had reason to believe the other party would rely upon it, regardless of whether the person making the representation intended to deceive.” *Id.* at 726.¹

III. Conclusion

This court shall only grant summary judgment under Rule 56 where the record evidence, viewed in the light most favorable to the non-moving party, shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. FRCP 56(c).

In ruling on a 56 motion, the District Court may not weigh the evidence or find

¹ While other Circuits have applied the doctrine in such a context, the Eleventh Circuit has not. See *Brungart v. BellSouth Telecommunications, Inc.*, 231 F.3d 791, 797 n. 4 (11th Cir. 2000), cert. denied, 532 U.S. 1037, 121 S.Ct. 1998, 149 L.Ed.2d 1001 (2001) (declining to speculate what the result of the case might have been if there had been facts to support a detrimental reliance argument). See *Duty v. Norton-Alcoa Proppants*, 293 F.3d 481, 493-94 (8th Cir. 2002) (finding the district court did not abuse its discretion in applying equitable estoppel where the employee relied on written correspondence from employer); *Kosakow v. New Rochelle Radiology Associates, P.C.*, 274 F.3d 706, 727 (2d Cir. 2001) (finding that on remand the district court could conclude that equitable estoppel applies). *Woodford v. Cmty. Action Of Greene County, Inc.*, 268 F.3d 51 (2d Cir. 2001) discusses, in dicta, the potential availability of equitable estoppel. See also *Dormeyer v. Comerica Bank-Illinois*, 223 F.3d 579, 582 (7th Cir. 2000) (same), citing, *Pennant v. Convergys Corp.*, 368 F.Supp.2d 1307, *1313 (S.D. Fla. 2005).

facts. Instead the court's role is limited to deciding whether there is sufficient evidence upon which a reasonable jury could find for the non-moving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249, 106 S.Ct. 2505, 2511, 91 L.Ed.2d 202 (1986). In this matter, summary judgment is not proper in that a reasonable jury could conclude that Hospitality Ventures is the real employer and that Plaintiff is an eligible employer under the Family Medical Leave Act. Certainly, a jury could find that the Plaintiff was hired by Hospitality Ventures and was supervised and directed in her employment by Hospitality Ventures.

WHEREFORE, THESE PREMISES CONSIDERED, the Plaintiff moves this Honorable Court to deny the Defendant's motion for summary judgment, or, in the alternative, allow Plaintiff to conduct discovery on this issue pursuant to FRCP 56(d). There has been no discovery in the case and Plaintiff would move that this Court allow limited discovery on the issue of jurisdiction, whether the Plaintiff is an eligible employee, and the Defendant an eligible employer under the FMLA.

Respectfully submitted,

/s/ Alicia K. Haynes

Alicia K. Haynes
Attorney for Plaintiff

OF COUNSEL:

HAYNES & HAYNES, P.C.

1600 Woodmere Drive
Birmingham, Alabama 35226
Phone: (205) 879-0377
Fax: (205) 879-3572
E-mail: akhaynes@haynes-haynes.com

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Daniel S. Fellner
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, GA 30326

Jeffrey Allen Lee
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, AL 35203-2618

R. Jason D'cruz
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, GA 30326

/s/ Alicia K. Haynes
OF COUNSEL



Tuesday, February 6, 2007

Job-Seekers

For Employers

Browse Job Listings

• Employer Profiles

My Career Toolkit

Getting Hired

About this Employer

Hospitality Ventures

Management, Inc.

Atlanta, GA

Corporate Profile

Properties

7

Year Established

2001

Job Openings

3

Website

Corporate Profile



Hospitality Ventures Management, Inc.

100 Tower Place

Phone (404) 467-9299

3340 Peachtree Road, NE, Suite 605

Atlanta, GA 30326

Company Description

Welcome to Hospitality Ventures, a privately held hotel ownership, management and development company. For four decades, primarily under the name Impac Hotel Group, Charles Cole, Robert Cole and partners have successfully owned and operated more than 150 hotels in every conceivable size and service category, representing over 1.5 billion dollars in total assets.

Founded in 2001 by Robert Cole, former CEO of Lodgian, Inc., Hospitality Ventures is a privately owned, fully-integrated Atlanta-based hotel ownership and management firm specializing in the acquisition, repositioning, development and management of franchised limited, full-service and upscale hotels.

The principals of Hospitality Ventures are the previous principals and founders of Impac Hotel Group, a highly successful hotel company that grew from one hotel in 1990 to 55 properties. The other senior members have, combined, more than 70 years experience in the hotel and hospitality industry.

The company currently owns and operates seven hotels (all recently acquired), consisting of 945 rooms. All seven hotels operate under franchise agreements with Marriott or Hilton. The

EXHIBIT

1

properties are located in Texas, New Jersey, Maine, Alabama and Tennessee.

Why People Like to Work for Us

Our Guiding Principles

- ✓ Deliver Heroic Service
- ✓ Keep All Promises
- ✓ Build Strong Relationships
- ✓ Work With Passion
- ✓ Keep It Fun
- ✓ Continuously Improve

Our Associate Philosophy

- ✓ Establish General Managers as the business leader of their hotel, while holding them accountable to clearly defined, realistic and mutually agreeable goals
- ✓ Provide Associates with timely and valuable training, support, tools, and the resources necessary for achieving Operational Excellence
- ✓ Maintain a family-like, caring atmosphere
- ✓ Provide a results-driven environment where success is celebrated
- ✓ Provide effective information, communication, feedback and measurement systems
- ✓ No surprises...

Company Statistics

Year founded 2001

Property Portfolio

Types of properties we operate	Hotel, All Suite
Types of locations	Airports, Major Cities, Small Cities
Franchise affiliations	MARRIOTT - Courtyard, Fairfield Inn HILTON - Hilton, Doubletree, Dooubletree guest Suites
Properties are located in	Alabama, Maine, New Jersey, Tennessee, Texas

- ✓ We operate a total of Seven properties.

Internet Links

Hospitality Ventures Management, Inc.
<http://hospitalityventures.com/index.html>

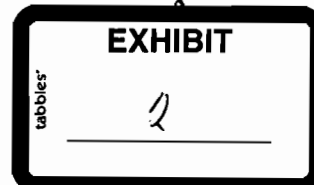
Hospitality Ventures Management, Inc.

[Profile](#) | [Properties \(7\)](#) | [Hospitality Job Openings \(3\)](#)

[Job Listings](#) | [Employer Profiles](#) | [Career Toolkit](#) | [Getting Hired](#)

Copyright © 1998-2007 Hospitality Online, Inc. | [Privacy Policy](#) | [Terms of Use](#) | [Contact Us](#) | [Feedback](#)





News Franchising Real Estate Finance/Investment Technology Operations FF&E



Tuesday, Feb 6, 2007

E-mail This Page

Print

Survey

Search

Hospitality Ventures Names Regional Directors

Sep 26, 2005

Jay Molitor and Curtis Reitz, CHA, have been named Regional Directors of Operations for Atlanta-based Hospitality Ventures. Both men previously worked with Hospitality Ventures CEO Robert Cole at Impac Hotel Group, a private hotel ownership and management firm that Cole founded and served as CEO. As Regional Directors, they will have primary operational management responsibility for a group of Hospitality Ventures hotels.

Molitor, who will be based in Mt. Arlington, NJ, has been managing hotels since 1985. Prior to joining Hospitality Ventures, he was Regional Operations Manager-Western Region, for Lodgian. In 1999, Molitor was named Lodgian's General Manager of the Year when he served as G.M. of the Denver Airport Marriott, a hotel he managed from its 1998 opening until 2002. Molitor holds a B.S. in Hotel/Restaurant Administration from the University of Massachusetts.

Reitz, who will be based in Houston, has served as general manager of upscale hotels since 1989. Prior to joining Hospitality Ventures, Reitz was Resort Manager of the Flamingo Bay Resorts, a 5-star resort in Las Vegas, NV. He also has served as Regional Director of Operations-Western Region and Area Manager-Southern California, for Lodgian. Reitz attended Brunswick Junior College and Utah State University.

"I am very pleased to be working again with these two top-notch hotel management professionals," said Cole. "Jay and Curtis were hand-picked from dozens of candidates because they have a proven track record of success in managing upscale hotels and multi-unit properties. Their experience and expertise will be instrumental in Hospitality Ventures' plan to substantially grow our portfolio of Marriott and Hilton brand properties in the near future."

About Hospitality Ventures, LLC

Atlanta-based Hospitality Ventures, LLC, is a privately owned, fully integrated hotel ownership and management firm that owns and operates seven hotels consisting of more than 1,000 guestrooms. The principals of Hospitality Ventures are the previous principals and founders of Impac Hotel Group. All seven hotels operate under franchise agreements with Marriott or Hilton. The properties are located in North Carolina, Texas, New Jersey, Maine, Alabama and Tennessee.

- Home
- Online Tool Box
- e-Newsletters
- H&MM In Print
- Shows/Conferences
- For Subscribers
- For Advertisers
- Contact Us
- RSS Feeds
- Product Directory
- Classifieds
- Products & Services
- Real Estate
- Careers
- Purchase Classifieds
- About H&MM
- Site Index



What your local
W
up
sti
or
W
pr
oc
Le
pr
ca
W
or
Thank month for the an up H&MM

[Ads by Google](#)

[Ads by Google](#)

[Hotel Items](#)

[Hotel Products](#)

[Hotel Managing](#)

[Hotel MGMT](#)

For Hotel Revenue Manager

Manage all of
your internet
sales websites at
once - try free
today

www.ChannelRUSH.com

[Advertise on this site](#)

L
Mag

F
IN
Fo

Ho

Ar

H&I
sul
perso
celeb
the h
icon

Hotel&Motel Management

News Franchising Real Estate Finance/Investment Technology Operations FF&E



NEW YORK UNIVERSITY
 School of Continuing Education

Tuesday, Feb 6, 2007

E-mail This Page

Print

Survey

Search



Hospitality Ventures Names Regional Directors

Sep 26, 2005

Jay Molitor and Curtis Reitz, CHA, have been named Regional Directors of Operations for Atlanta-based Hospitality Ventures. Both men previously worked with Hospitality Ventures CEO Robert Cole at Impac Hotel Group, a private hotel ownership and management firm that Cole founded and served as CEO. As Regional Directors, they will have primary operational management responsibility for a group of Hospitality Ventures hotels.

Molitor, who will be based in Mt. Arlington, NJ, has been managing hotels since 1985. Prior to joining Hospitality Ventures, he was Regional Operations Manager-Western Region, for Lodgian. In 1999, Molitor was named Lodgian's General Manager of the Year when he served as G.M. of the Denver Airport Marriott, a hotel he managed from its 1998 opening until 2002. Molitor holds a B.S. in Hotel/Restaurant Administration from the University of Massachusetts.

Reitz, who will be based in Houston, has served as general manager of upscale hotels since 1989. Prior to joining Hospitality Ventures, Reitz was Resort Manager of the Flamingo Bay Resorts, a 5-star resort in Las Vegas, NV. He also has served as Regional Director of Operations-Western Region and Area Manager-Southern California, for Lodgian. Reitz attended Brunswick Junior College and Utah State University.

"I am very pleased to be working again with these two top-notch hotel management professionals," said Cole. "Jay and Curtis were hand-picked from dozens of candidates because they have a proven track record of success in managing upscale hotels and multi-unit properties. Their experience and expertise will be instrumental in Hospitality Ventures' plan to substantially grow our portfolio of Marriott and Hilton brand properties in the near future."

About Hospitality Ventures, LLC

Atlanta-based Hospitality Ventures, LLC, is a privately owned, fully integrated hotel ownership and management firm that owns and operates seven hotels consisting of more than 1,000 guestrooms. The principals of Hospitality Ventures are the previous principals and founders of Impac Hotel Group. All seven hotels operate under franchise agreements with Marriott or Hilton. The properties are located in North Carolina, Texas, New Jersey, Maine, Alabama and Tennessee.

What
your
local

W
up
sti
or
W
pr
oc
La
pr
ca
W
or

Thank
month
for the
an up
H&MM

Home
 Online Tool Box
 e-Newsletters
 H&MM In Print
 Shows/Conferences
 For Subscribers
 For Advertisers
 Contact Us
 RSS Feeds
 Product Directory
 Classifieds
 Products & Services
 Real Estate
 Careers
 Purchase Classifieds
 About H&MM
 Site Index



[Ads by Google](#)

[Ads by Google](#)

[Hotel Items](#)

[Hotel Products](#)

[Hotel Managing](#)

[Hotel MGMT](#)

For Hotel Revenue Manager

Manage all of
your internet
sales websites at
once - try free
today




www.ChannelRUSH.com


[Advertise on this site](#)



Ar
H&I sul person celeb the h icon

colu
An
(L
Vie

 Dig


H&
Dow
through
magazin
you to c
and

 New
: Choic
exten
2009
: Magr
"Heal
amer
: Kohle
susta
Envir
: Accoi
to lau
in Eu
: Bush
Trave
to bui
prom
destir
: John
break
Emba
: Telko
spee
4,000
Owne
: Lowe
comp
June
: Lodg

[acqui](#)

[Hotel
forms
with \](#)

[Online](#)

[Check
online
ver
servi](#)



[Home](#) | [Contact](#) | [Advertise](#) | [Subscribe](#) | [Privacy Policy](#)

© 2007 Questex Media Group, Inc.. All rights reserved.

Reproduction in whole or in part is prohibited.

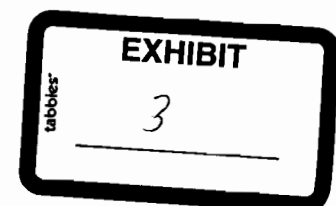
Please send any technical comments or questions to our webmaster.

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Tuesday, February 01, 2005 9:36 AM
To: Mickey and Heathe; Todd Epplin
Cc: Robert Cole; Rob Flanders
Subject: January 24-28 Bookings

Heather; Congratulation on a fantastic booking week. This is one of the best during the last two years. Great job. Thanks.

Group Revenue	Dates	Rooms	Rates
Hotel Solutions \$50,050	Feb 27-March 12	770	\$65.00
Kappa Alpha Avenue \$5,900	March 18-20	100	\$59.00
Springdale Ono \$1,365 Island	March 23-24	21	\$65.00
Hyundai Grand \$8,850 Opening	May 18-May 24	150	\$59.00
Hotel Solutions \$6,500	July 29-July 21	100	\$65.00
Total \$72,665		1,141	\$63.68



watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Tuesday, April 26, 2005 7:38 AM
To: Mickey and Heathe; tepplin872@aol.com
Cc: Robert Cole
Subject: FW: MONTGOMERY - SALES PRO - MASTER - 2005



RAM -
OMERY - SALES

Heather; Congratulations on another good booking week. (\$19,284) Hotel Solutions has really kicked into gear again. (\$17,160) This is great. Also a nice corporate booking for July. Impressive "Activity's" included; Faukner University, Crackle Barrel, 2005 Chamber Directory, Jay Smith and cold calls near Eastchase. Booking pace continues to look great and growing consistently. I know you continue to have allot of booking/arrival follow up work. Look forward to working with you on Thursday and Friday. Thanks for all your efforts. Have a great week. Take care.

-----Original Message-----

From: Carol Tedesco [mailto:ctedesco@hospitalityventures.com]
Sent: Friday, January 07, 2005 4:09 PM
To: 'Roger A Miller'
Subject: MONTGOMERY - SALES PRO - MASTER - 2005

Carol A. Tedesco
Executive Assistant
Hospitality Ventures Mgmt., Inc.
100 Tower Place
3340 Peachtree Road, NE
Suite 605
Atlanta, GA 30326
(404) 467-9299
(404) 467-1962 - FAX
ctedesco@hospitalityventures.com

-----Original Message-----

From: Carol Tedesco [mailto:ctedesco@hospitalityventures.com]
Sent: Friday, January 07, 2005 3:35 PM
To: 'Roger A Miller'
Subject: RE: 2005 Sales productivity Tracking Sheets

Are THESE what you mean?

Carol A. Tedesco
Executive Assistant
Hospitality Ventures Mgmt., Inc.
100 Tower Place
3340 Peachtree Road, NE
Suite 605
Atlanta, GA 30326
(404) 467-9299
(404) 467-1962 - FAX
ctedesco@hospitalityventures.com

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Wednesday, March 23, 2005 3:37 PM
To: Mickey and Heathe
Cc: Todd Epplin; Robert Cole
Subject: March 14-18 Sales Productivity

Heather; I'm late 1-2 days with this e mail due to my travel schedule. (LA & Chicago) Based on my Tuesday review of your sales productivity, I have made limited comments below. Have a great Thursday/Friday.

Sales Production: 18 Total activities. Very positive activities especially considering you booked or turned \$72,528 of business. Congratulations. Great job.

Sales Recap With Details: Nice work. All entrees represented sales production numbers as quality activities. Great job on "Results" section. Well written/thorough notations. Thanks.

Bookings: \$72,528. Outstanding week. Good mix of Corp/SMERF/Sports.

Group Pace-Definite Revenues:\$266,762 March-Sept. Very strong. Great job. 2005 group "Budget" still needs to be dropped in. June-August needs to be focused on going into the spring. I do not believe however that all of last weeks bookings are entered into this report. If not, please do so as soon as possible. Thanks.


Traces: Vacation week. No comments.

Calendar: Vacation week. No comments.

Take care. Have a great week back.

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Watts, HEATHER

From: Roger A Miller [rmiller@hospitalityventures.com] **Sent:** Tue 7/26/2005 6:07 PM
To: Watts, HEATHER; tepplin872@aol.com
Cc: Robert Cole
Subject: FW: MONTGOMERY - SALES PRO - MASTER - 2005
Attachments:  RAM - MONTGOMERY - SALES PRO - ACTIVITY MASTER - 2005.xls(110KB)

Heather; Congratulations on a good booking week/\$17,587. I was pleased to see Hotel Solutions and the other 3-4 bookings. You had a total of 17 sales activities; 5 "HC" & 4 "Other Sales" I'm aware that there were many training and administration duties needing completion last week and was appreciative to see all that got accomplished. I was happy to read that the front desk staff was happy about Tandi and several of the communications/administration items implemented and fine-tuned. Great job. "Results" items noteworthy were; New Military Group Lead, Southern Poverty Law Center and the two Marriott Group Sales transactions. Thanks for sending in your 2006 football rates to MARSHA. Have a great week. Stay healthy. I know any day the baby will arrive. Take care.

-----Original Message-----

From: Carol Tedesco [mailto:ctedesco@hospitalityventures.com]
Sent: Friday, January 07, 2005 4:09 PM
To: 'Roger A Miller'
Subject: MONTGOMERY - SALES PRO - MASTER - 2005

Carol A. Tedesco
 Executive Assistant
 Hospitality Ventures Mgmt., Inc.
 100 Tower Place
 3340 Peachtree Road, NE
 Suite 605
 Atlanta, GA 30326
 (404) 467-9299
 (404) 467-1962 - FAX
 ctedesco@hospitalityventures.com

-----Original Message-----

From: Carol Tedesco [mailto:ctedesco@hospitalityventures.com]
Sent: Friday, January 07, 2005 3:35 PM
To: 'Roger A Miller'
Subject: RE: 2005 Sales productivity Tracking Sheets

Are THESE what you mean?

Carol A. Tedesco
 Executive Assistant
 Hospitality Ventures Mgmt., Inc.
 100 Tower Place

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Friday, August 26, 2005 10:24 AM
To: Robert.lockwood@marriott.com; Kathy.berglind@marriot.com; ffi.pwmppt.gm@marriott.com;
Cindy Juskiewicz; Mickey and Heathe; David Price; Ron Disbrow; Joani Beckwith; Curtis
Reitz; Elizabeth Garza
Cc: Robert Cole; ctwardoch@hospitalityventures.com
Subject: July Star Report Results.

Ladies/Gentleman; July RevPAR Star report results; Montgomery=118.9/13.1% increase, Mt.
Arlington=108.8/13.8% increase, Mahwah=104.1/8.9% increase, Nashville=103.6/2.3% increase,
Houston=101.2/ 24.3% decrease.
Portland=96.2/4.6% decrease. Charlotte still under renovation.
Congratulations and THANKS for all the increases over last year. I know Houston and
Portland is working very hard to improve their RevPar Index.
August going forward should greatly improve. Have a super Friday and weekend.

Fairfield Inn Montgomery

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Tuesday, July 06, 2004 9:20 AM
To: Ronda Masters
Cc: Robert Cole; Rob Flanders
Subject: Initial Sales Pro Entree's

Dear Heather; Thanks for a very pleasant and productive orientation week last week. We sure covered allot of items in 2+ days. Thanks for turning your job description around so thorough and quick. Received your faxed copy today. As discussed please mail another copy to my attention at our Buckhead offices. Just completed reviewing your first 2 days of using Sales Pro. Great start. I can tell your going to be very proficient, productive and strategic with these tools. Thanks. Calendar; Nice start. Continue to work on Fridays to fill in all hours planned that that week. Call me to assist or brain storm in any way. Traces; Great start. It super to see that you have entered our trip note priorities already. Sales Recap; Again nice start. Great "Results" documentation script. Account Traces; Good job for early in the week. These will be important for the future weeks planning and prioritizing. Review each Friday for substance and strategic split of Hard Core/40%, Other Sales Activities/30% and Administration/30% split. Have a great week. Call if or when you need me. Again, welcome aboard. Take care.

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Wednesday, July 14, 2004 3:59 PM
To: Mickey and Heathe
Cc: Ronda Masters; Rob Flanders
Subject: RE: MGMFI-Heather

Heather; I'm very impressed with your schedule. This meets with my approval. I realize adjustments will be made as needed or the business dictates. Thanks for thinking this out strategically. Have a great day.

-----Original Message-----

From: Mickey and Heathe [mailto:watts167@charter.net]
Sent: Tuesday, July 13, 2004 11:22 PM
To: Roger A Miller
Subject: Re: MGMFI-Heather

Roger,

At your convenience, please review the attached proposed schedule. I would appreciate the reassurance that I am within all of the required percentages.

I have yet show this to Todd-he is really tied up with QA and I have such limited computer time. Hopefully all will be better next week-Todd promised!!

Also, please realize that with the schedule that is a general idea-the needs of the guest/groups/meetings etc may change week to week. For example we have a large tour group coming in Saturday and Todd wants me their to greet them upon arrival- so I will adjust my schedule accordantly.

Can you share exactly how you are getting the percent numbers.

I really appreciate all your time!!

Thanks,
 Heather
 MGMFI

----- Original Message -----

From: Roger A Miller
To: Mickey and Heathe
Sent: Tuesday, July 13, 2004 4:37 PM
Subject: RE: MGMFI-Heather

Base hours our 9:00am-5:30pm. You propose what is comfortable for you. I understand all the rest. Thanks.

-----Original Message-----

From: Mickey and Heathe [mailto:watts167@charter.net]
Sent: Tuesday, July 13, 2004 12:00 PM
To: Roger A Miller
Subject: Re: MGMFI-Heather

11/5/2005

Thanks for your responses!

#2- Will send in proposals!

#3- Tried to go into Sales Pro and Change the DOMS "to do" to seperate cateragories: Hard Core/Other/Admin. If will not change past items all ready entered-just future entries. So you we see most of next week (some items are already in there) broken out but definatley from then on.

And on the Summary Sheet- A little unclear of how you want me to make the 5 hours not working when I am unsure what the base hours are? I can send you an outline/schedule of how I using my time-need to type (I can send in on Friday)

Heather

— Original Message —

From: Roger A Miller

To: Mickey and Heathe

Cc: Rob Flanders

Sent: Tuesday, July 13, 2004 8:12 AM

Subject: RE: MGMFI-Heather

Heather; Listed below are the answers to the below questions.

1. Will discuss with Rob Flanders today and get back to you.
 2. Submit a proposal for giveaways that will carry you through Dec 31, 2004. You will budget 2005 expenses during the 2005 budget process. Numbers for the bonus worksheet are on the annual budget under "Room Sales' Room Sales Group. I will fax this to you this morning.
 3. I like your breakouts vs. DOSM to do.
- Rob is forwarding your lap top within the next few days. He received it at the office yesterday. Take care. Have a great week.

-----Original Message-----

From: Mickey and Heathe [mailto:watts167@charter.net]

Sent: Monday, July 12, 2004 6:24 PM

To: rmiller@hospitalityventures.com

Subject: MGMFI-Heather

Roger,

Just a couple of quick questions that Todd did not seem sure on and/or limited time to speak with him: (QA WEEK!!)

1. Before I start using my phone for business purposes (leaving a number for the front desk/staff to contact me if need information regarding groups, corporate accts. ect/ calling in while out to check voice mails/returning client calls via voice mails/ect)
Is their any type of reimbursement programs? If so how is this handled.

2. The actual Sales Budget- amount (s) allocated for client gifts/entertainment/ give-a-ways (koozies etc) per period/quarter.
Where do I get this amount and funds to spend? I also need the numbers for the bonus worksheet at your convenience. It is on my "to do" this week.

** I will also be re-setting up sales pro in the morning-now that I am getting back in the swing of things!!

In stead of it being DOSM "to do" It will be HARD CORE/OTHER SALES ACTIVITIES/ADMINISTRATION

I am sure this is what you are looking for.

Hope you had a great Monday! I look forward to your response (s) I go in at 9 a.m. in the morning.



11/5/2005

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Thursday, July 29, 2004 9:05 AM
To: Mickey and Heathe
Cc: Ronda Masters; Robert Cole; rflanders@hospitalityventures.com
Subject: Web Site Review

Heather; Nice job on your Fairfield Inn web site. The web site is very thorough and from a sales/marketing perspective very enticing. Listed below are the only two tweaks I would like to suggest. Please e mail me when this is completed. If there are any questions regarding the below please contact me. Take care.

1. Opening paragraph script is too short. Please review our Fairfield Inn Portland Maine Mall site for enhanced opportunities.

2. Area Companies/ Please extend area company list per our discussion.

Thanks again. Great job.

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Tuesday, November 02, 2004 7:22 AM
To: Mickey and Heathe
Cc: Robert Cole; Rob Flanders; Fairfield Inn Montgomery
Subject: RE: MGMFI DOSM UPDATE

Heather: Thank you for a very positive and productive visit. I feel we accomplished allot in a short period of time and developed a profitable and realistic 2005 room revenue budget. I appreciated the attached summary and update. You have been very busy and a great asset to the Fairfield Inn Montgomery. I have forwarded this to Robert and Rob for their review and any follow up required. Thanks again for all your efforts and hard work. I look forward to your concentrated efforts on all sales/marketing "Hard Core" activities. Have a great week. Take care.

-----Original Message-----

From: Mickey and Heathe [mailto:watts167@charter.net]
Sent: Monday, November 01, 2004 6:16 PM
To: Roger A Miller
Subject: MGMFI DOSM UPDATE

Roger,

Thanks for a great day! Attached is the DOSM UPDATE that I handed to you this morning. Please note that I updated this "again" after your visit today. So you will see some changes.

If you have any questions, please let me know. I appreciate this opportunity to share what all I have done and plan to do in Montgomery!

I believe in MGMFI and am very willing to go over & beyond for our GUEST and STAFF!!

Have a Great Week!

Heather Watts
DOSM/MGMFI

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Monday, November 29, 2004 9:51 AM
To: Mickey and Heathe
Cc: Fairfield Inn Montgomery; Robert Cole; Rob Flanders
Subject: November 29th e mail

Heather; Thanks for your reply; I know you will get back on track and increase your "Hard Core" sales activities and meaningful "Other Sales" activities. With the increase in Montgomery room inventory for 2005, we need you to be extremely focused and results oriented. As far as working from home in the morning, I have no problems with it although Todd is the one who will make the final decision. The bottom line is production of "Hard Core" sales activities resulting in definite bookings. In addition you must be an excellent communicator and very thorough in sales follow up/administration. The key is to be out on appointments/sales calls. While you do have to schedule time for "Other Sales" and "Administration" your true "ROI" is in production of "Hard Core" activities and consistent bookings. You should not be spending too much time in your hotel office or home office. This is simply not cost effective for the Montgomery Fairfield Inn or Hospitality Ventures. If there are any questions pertaining to the above please contact me. I'm looking forward to your hard work and continued success throughout 2005. Thanks for a great effort and results in 2004. Take care.

watts167@bellsouth.net

From: Robert Cole [rcole@hospitalityventures.com]
Sent: Tuesday, February 01, 2005 9:41 AM
To: 'Roger A Miller'; 'Mickey and Heathe'; 'Todd Epplin'
Cc: 'Rob Flanders'
Subject: RE: January 24-28 Bookings

Heather,

Let me echo Roger's compliments. Great job!! Thanks to you and Todd for all your hard work. You are generating a lot of momentum on the revenue side---Keep it going!! Todd, great start to the January GSS scores!!

Robert

-----Original Message-----

From: Roger A Miller [mailto:rmiller@hospitalityventures.com]
Sent: Tuesday, February 01, 2005 10:36 AM
To: Mickey and Heathe; Todd Epplin
Cc: Robert Cole; Rob Flanders
Subject: January 24-28 Bookings

Heather; Congratulation on a fantastic booking week. This is one of the best during the last two years. Great job. Thanks.

Group Revenue	Dates	Rooms	Rates
Hotel Solutions \$50,050	Feb 27-March 12	770	\$65.00
Kappa Alpha Avenue \$5,900	March 18-20	100	\$59.00
Springdale Ono \$1,365 Island	March 23-24	21	\$65.00
Hyundai Grand \$8,850 Opening	May 18-May 24	150	\$59.00
Hotel Solutions \$6,500	July 29-July 21	100	\$65.00
Total \$72,665		1,141	\$63.68



FAIRFIELD INN by MARRIOTT MONTGOMERY, ALABAMA

Job Title: Director of Sales & Marketing **Immediate Supervisor:** General Manager

Summary:

To sell facilities, services and staff of the hotel in accordance with the facilities business/marketing plan in order to meet or exceed budgeted sales department room night and revenue goals. Utilizes Hospitality Ventures principles and standards as a foundation for all the actions.






Essential Duties and Responsibilities include the following:
Other duties may be assigned.

- W Weekly telephone research professionally qualifying all local and regional outside sales calls. Specific appointments should be made where possible and information obtained prior to actual call. This also applies to potential cold calls (non-appointments and scheduled) Decision-makers name and actual travel needs should be obtained prior to actual call. Friday's or non-"direct selling" times are suggested for this duty.
- W Primary responsibility is monthly/annual corporate transient, corporate groups and S.M.E.R.F. groups.
- W Implementation of a minimum of 12 qualified outside sales calls weekly and 25 telemarketing calls weekly based on a 35-hour week schedule. Out of town solicitation is also to be made when requested. (3-5 day trips)
- W Develop and maintain an "active, potential and inactive file depicting all outside and inside sales calls activity in SALES PRO.
- W Upon request of client, book overnight accommodations for all group types. Communicate clearly all transactions made to appropriate departments heads and associates through the direction and approval of the general manager.
- W Correspond with potential customers providing any requested information concerning bids, proposals, confirmations of bookings, thank you letters, inquiries of the hotel, etc. In conjunction with the other office personnel, maintain accurate and up to date records of all sales departments functions and transactions.
- W Conduct hotels tours (site inspections) and entertain qualified clients in accordance with the company and property policies.
- W Participate with General Manager and Hospitality Ventures, Vice President of Sales and Marketing in developing overall business and marketing plan, advertising, public relations and/or sales promotional programs. Advise any marketing inefficiencies and opportunities.
- W Responsible to the General Manager and Vice President of Sales and Marketing regarding specific recommendations concerning individuals contacts or accounts.
- W Implement a marketing plan weekly/monthly "sales/media" action plans accordingly.
- W Submit required month/quarterly/annual reports to the General Manager and designated Hospitality Ventures personnel.
- W Supervise selected selling guidelines for all sales efforts.
- W Participate and attend Marriott Brand activities, Chamber of Commerce activities/meetings (via approved memberships), community events or organizations as it benefits the hotel.
- W Utilize the SALES PRO system to trace documents all sales & telemarketing transactions and daily/weekly planning.
- W Assist General Manager in the development or research for pricing and booking policies.
- W Generate contracts for all Group Blocks and or meeting that require a room block of more than 10 rooms.

EXHIBIT

tabbies

5

-  Adhere to time and attendance policy as established by Hospitality Ventures.
-  Present a clean, pleasant professional image to project a positive polished appearance to potential guests and corporate clients.
-  Contribute and work as a "team" member in all actions of Director of Sales and Marketing position.
-  Perform other services and duties as requested by the General Manager. May be called on to host functions and participate in or conduct sales blitzes, travel and/or work extended hours to achieve departmental goals.
-  All Sales & Marketing tools (forms & training materials), any information on corporate clients (information in SALES PRO) and usage of provided company laptop is the property of Fairfield Inn Montgomery and Hospitality Ventures. Disciplinary actions and/or termination of job will reflect if such items are taken from property without prior permission from General Manager. Agree that all items will be handed over as received if/when last day of employment notice is given.

QUALIFICATION REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION AND/OR EXPERIENCE:

Fifth Year College or university program certificate, or two to four years related experience and/or training or equivalent combination of education and experience.

LANGUAGE SKILLS:

Ability to read, analyze and interpret general business periodicals, professional journals, technical procedures or governmental regulations. Ability to effectively present information and respond from groups of managers, clients, customers and the general public.

MATHEMATICAL SKILLS:

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions percentages, area circumferences and volume. Ability to apply concept of basic algebra and geometry.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram and scheduled form.

PHYSICAL DEMANDS:

The physical demands described are representative of those that must be met by an employee to successfully perform the essential functions of this job as Director of Sales of Marketing. Reasonable accommodations may be made enable individuals with disabilities to perform the essential functions.

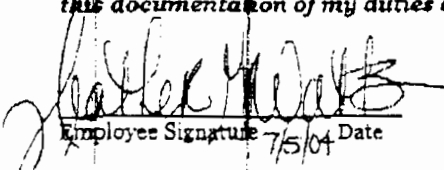
While performing the duties of this job, the employee is required to talk or hear. The employee frequently is required to sit. The employee is frequently required to stand and/or walk.

The employee must regularly lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

As employed by Fairfield Inn Montgomery/Hospitality Ventures, I hereby accept this documentation of my duties as Director of Sales & Marketing.


Employee Signature 7/5/04 Date

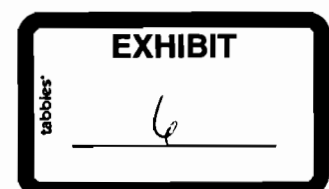
GM and/or VP of Marketing of Sales Date

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Wednesday, July 28, 2004 1:29 PM
To: Austin Van De Vate; Ron Disbrow; David Price; Wayne Cannon; Kathe Cress Lopez; Ronda Masters
Cc: Debbie Hollier; Joani Beckwith; Diane Wirger; Tina Crossland; Mickey and Heathe; Robert Cole; Rob Flanders
Subject: Star Report/ July 18-July 24

Listed below are the Star Reports for the week of July 18-July 24.
 Congratulations to Houston, Nashville, Montgomery and Portland for Rev Par's over 100%.
 Nashville and Montgomery improved considerably from their last 4 week trends. (Great
 increase/nice job) Mahwah only missed by .6 and Mt Arlington continues to run strong Occ
 Index numbers while inching up their ADR's over time. Keep up the good work David &
 Wayne/Diane. Have a great day and remaining week. Take care.

Hotel Rev Par Index	Occ Index	ADR Index
Houston 122.8	142.3	86.4
Nashville 105.6	107.4	98.3
Mahwah 99.4	101.5	97.8
Mt. Arlington 90.8	104.4	86.9
Montgomery 121.9	123.3	99.
Portland 101.9	105.8	96.3
HV Averages 107.1	114.1	94.1



Fairfield Inn Montgomery

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Thursday, July 08, 2004 1:51 PM
To: Austin Van De Vate; Debbie Hollier; David Price; Michelle Katsch; Ron Disbrow; Joani Beckwith; Wayne Cannon; Diane Wirger; Kathe Cress Lopez; Tina Crossland; Ronda Masters
Cc: Robert Cole; Rob Flanders
Subject: June 27-July 03 Star Report/ 4 Week Trail

Ladies/Gentleman; A measure of this companies growth/success is that I now forward the Rev Par results vs. the Occupancy Index results as the measure of comparison. (A big difference) Congratulations to each and everyone of you for getting us there. A special Thanks to Mt. Arlington for their continued success/ growth in all areas.

Hotel	Rev Par Index (Last Week)	Rev Par Index (4 week Trail)
Hilton SW	143.8	133
Doubletree/ Nashville Suites	101.6	93.3
Fairfield/Portland	101.1	104.8
Fairfield/Montgomery	100.6	116.5
Courtyard/Mt.Arlington	97.7	95.1
Doubletree/Mahwah	92.4	102.3
Total Portfolio	106.2	107.5

Congratulations To All
 Keep Up The Great Work
 Thanks

ATT: HEATHER WATTS

HVMI
Quarterly Incentive Compensation Plan
For Hotel Sales Department

Purpose

The purpose of the Incentive Compensation Plan (the "Plan") is to reward hotel sales departments for exceeding budgeted revenues. The Plan provides individuals accountable for direct sales, marketing activities, and account relationships of each hotel operated by Hospitality Ventures Management, Inc. (the "Company") the opportunity for incentive compensation based upon the achievement of specific performance objectives.

Definitions

For the purpose of this plan, Budgeted Room Revenue means the Total Hotel Budgeted Room Revenue generated by all market segments for an entire quarter or three month period.

Eligibility

- a. In order to be eligible to participate in the Plan, a person must be employed with the Company in the position of Director of Marketing, Director of Sales, Senior Sales Manager, or Outside Sales Manager for at least two full calendar months.
- b. Any eligible participant who is within a probationary period due to performance will not be eligible for any award. Furthermore, if an associate is not following or adhering to sales production or sales quote targets or goals, he or she will also be ineligible for any bonus for that particular time period.
- c. Total hotel room revenue budget acts as a "gatekeeper". No bonus of any amount can be paid unless the hotel achieves its total room revenue budget for the quarter.

Payment

- a. Each eligible participant's incentive compensation will be paid within 45 days after the end of the quarter and on the hotels normal payroll run.
- b. Incentive compensation paid under this Plan will be treated as gross wages and the usual payroll deductions will be taken.
- c. If employment of an eligible participant terminates during a quarter, no incentive compensation will be paid for that quarter.



Quarterly Incentive Compensation Formula*DIRECTOR OF SALES & MARKETING*

MEASUREMENT	% of Quarterly Salary
Meeting & Exceeding Budgeted Hotel Room Revenue ⁽¹⁾	25 %
Meeting & Exceeding Sales / Marketing Dept. Total Room Revenue Budget	10 %
Meeting or Exceeding budgeted RevPAR Index	5%
Total % of Quarterly Salary	40 %

Miscellaneous

- This Plan is not a contract for employment and does not limit the right of HVMI to terminate a participant's employment for any reason.
- This Plan may be terminated or modified at any time without cause or advance notice. However, neither action will serve to take away a bonus, to which a participant might otherwise be entitled prior to termination or modification of the plan, except that the causes for forfeiture of bonus would continue to apply.
- All provisions of this Plan are subject to reconfirmation or change each year before becoming effective for each subsequent quarter.

⁽¹⁾ There will be no quarterly payout of any type unless the hotel achieves at least 100% of budgeted hotel room revenue.

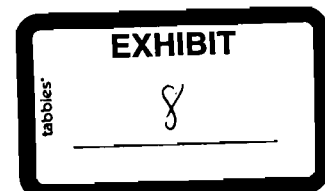
Susan Fleming 12/18/03

[Handwritten signature]
11/01

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Friday, April 08, 2005 10:29 AM
To: Amrita Parekh
Cc: Robert Cole; Todd Epplin; Mickey and Heathe
Subject: Heather Watts Annual Salary increase

Amrita; Effective Monday morning April 11, 2005, Heather Watts annual salary will be increased \$3,000 annually. (\$35,000 to \$38,000) Back up to this is on your desk for the records. Thanks. I appreciate your help and assistance with this matter.



watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Tuesday, July 13, 2004 8:46 AM
To: Mickey and Heathe
Cc: Rob Flanders
Subject: Cell Phone Reimbursement

Heather; Rob and I feel that it is appropriate and cost effective to reimburse you monthly for 50% of your cell phone bill. Please put this on your expense report monthly with a copy of your bill. Hopefully you have a flat rate plan for local calls. It is a practice of HV not to pay for cell phone overage. Call if you see this is a problem. Thanks. Have a great day.

watts167@bellsouth.net

From: Roger A Miller [rmiller@hospitalityventures.com]
Sent: Friday, August 27, 2004 11:13 AM
To: Amrita Parekh
Cc: Rob Flanders; Mickey and Heath
Subject: RE: Heather Watts Insurance

Amrita; This is the case per our hiring agreement. Thanks for your follow up.

-----Original Message-----

From: Amrita Parekh [mailto:amrita@hospitalityventures.com]
Sent: Friday, August 27, 2004 12:01 PM
To: 'Rob Flanders (E-mail)'; rcole@hospitalityventures.com
Cc: 'Roger A Miller'
Subject: FW: Heather Watts Insurance

Please confirm.

Amrita

From: Fairfield Inn Montgomery [mailto:montgomerygm@earthlink.net]
Sent: Friday, August 27, 2004 9:47 AM
To: 'Amrita Parekh'
Subject: RE: Heather Watts Insurance

Amerita,

Todd is out of town (we share this email) so I hope it is ok to respond this way!

Upon hire I was told that my insurance was 100% and daughter was 1/2 which would be \$60 per paycheck/ \$120 month only/\$1,440 year estimated. I have the original emails from Robert (not Rob like Todd said) on my home email and can forward them to you this weekend if needed.

Also, I was reading through a handbook yesterday, it said " HV may offer an array of other competitive and valuable benefits: Life Insurance/Short Term Disability etc. And that further explanations of these benefits are found in the HV Benefits Guidebook. Todd was unsure about this and was going to ask you about this as well. Can you provide this for me and also the list of holidays. I was not given any of this upon hire.

Thanks so much for your help. If you need anything else from me just let me know.

Heather Watts

11/5/2005

watts167@bellsouth.net

From: Hvmiap [Hvmiap@hospitalityventures.com]
Sent: Tuesday, May 17, 2005 2:00 PM
To: montgomerygm@earthlink.net
Cc: 'Mickey and Heathe'; 'Amrita Parekh'; 'Roger A Miller'
Subject: RE: Heather Automatic Deposit

Todd, attached is the Direct Deposit form for Heather.

Charlene Whyte
Hospitality Ventures Mgmt., Inc.
100 Tower Place
3340 Peachtree Rd. NE, Suite 605
Atlanta, GA 30326
(404) 467-9299
(404) 467-1962 (Fax)

-----Original Message-----

From: Amrita Parekh [mailto:amrita@hospitalityventures.com]
Sent: Tuesday, May 17, 2005 3:52 PM
To: 'Roger A Miller'
Cc: 'Mickey and Heathe'; montgomerygm@earthlink.net; 'Hvmiap'
Subject: RE: Heather Automatic Deposit

I am having Charlene scan the form to her and Todd. I need this back ASAP. We have payroll tomorrow and I will include it. Keep in mind however, that it will only go as an advice the first time and will be effective on the second payroll

Amrita Parekh, C.P.A.
Hospitality Ventures Mgmt, Inc
Controller
100 Tower Place
3340 Peachtree Rd, Suite 605
Atlanta, GA 30326
(404)467-9299 Ext 204
(404)467-1962-Fax

From: Roger A Miller [mailto:rmiller@hospitalityventures.com]
Sent: Tuesday, May 17, 2005 3:38 PM
To: Amrita Parekh
Cc: Robert Cole
Subject: FW: Heather Automatic Deposit
Importance: High

Amrita; Could you please follow up with Todd to insure she gets enrolled. Thanks. I know you are really busy and have little time. This however has gone way too long and needs to be settled. Your assistance is deeply appreciated. Have a great evening.

-----Original Message-----

From: Mickey and Heathe [mailto:watts167@charter.net]
Sent: Tuesday, May 17, 2005 8:52 AM
To: TEpplin872@aol.com
Subject: Heather Automatic Deposit
Importance: High

11/5/2005

Todd,

Upon hire (June 2004) you gave me the request form to have my paycheck automatic deposit. I also re-did the request in September 2004. Is this benefit no longer available? If so, I would like to have my check automatic deposit! Please let me know if I need to provide any further information. I would however like to verify that you have my current bank information.

Thanks

Heather

11/5/2005

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BIRMINGHAM, ALABAMA DISTRICT OFFICE**

Heather G. Watts)	
)	
Charging Party,)	
)	
v.)	
)	EEOC CHARGE NO.
Montgomery Ventures, LLC)	130-2006-01283
)	
Respondent.)	



POSITION STATEMENT

NOW COMES Montgomery Ventures, LLC ("Montgomery Ventures" or the "Company") and files its Position Statement.

I. Introduction

On December 20, 2005, Heather G. Watts filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"). Ms. Watts alleged that Montgomery Ventures violated Title VII of the Civil Rights Act of 1964, as amended, by terminating her employment on the basis of her pregnancy.¹ Montgomery Ventures denies that it discriminated against Ms. Watts in any way, including on the basis of her pregnancy.

Although not required to do so, Montgomery Ventures allowed Ms. Watts to take a leave of absence after giving birth. The Company terminated Ms. Watts' employment because she refused to return to work full-time after her leave of absence. For all these reasons and as set forth more fully below, Montgomery Ventures respectfully requests that the EEOC issue a no cause determination and dismiss the charge.

¹ In her Charge of Discrimination, Ms. Watts also alleges that Montgomery Ventures violated the Family and Medical Leave Act ("FMLA"). Montgomery Ventures requests that the EEOC dismiss Ms. Watts' FMLA allegations because enforcement of the FMLA is outside of the EEOC's jurisdiction. The EEOC also should dismiss Ms. Watts' FMLA allegations because she was not "eligible" for leave under the FMLA because the Company had fewer than 50 employees within 75 miles of Ms. Watts' worksite. 29 U.S.C. §2611(2)(B)(ii); 29 C.F.R. §825.110(a).

II. Facts

Montgomery Ventures owns and operates the Marriott Fairfield Inn hotel in Montgomery, Alabama. On June 24, 2004, Montgomery Ventures hired Ms. Watts as the Company's Director of Sales and Marketing. Ms. Watts is the only employee who has taken a leave of absence from Montgomery Ventures.

A. Ms. Watts Takes Maternity Leave

On August 11, 2005, Ms. Watts began a maternity leave, and gave birth the following day. On September 27, 2005, Ms. Watts asked to extend her maternity leave until the first week of November. The Company permitted her to extend her maternity leave as requested.

B. The Company Terminated Ms. Watts' Employment Because She Refused To Return To Work Full-Time

On November 2, 2005, Montgomery Ventures' General Manager Tammy Dominguez told Ms. Watts that the Company needed her to return to the Director of Sales and Marketing position full-time on November 9. Ms. Watts replied that she could not return to work full-time because she did not have childcare arrangements that would allow her to work full-time. Accordingly, Ms. Dominguez told Ms. Watts that the Company would not continue to hold the Director of Sales and Marketing position available for Ms. Watts.

On November 6, 2005, Ms. Dominguez offered Ms. Watts two (2) additional available positions: front desk clerk and night shift audit. Both positions required Ms. Watts to work 35 hours per week, and paid the same compensation and benefits that Ms. Watts previously received as Director of Sales and Marketing. Ms. Dominguez asked Ms. Watts to notify the Company by November 10, 2005, which position she wanted. On November 10, 2005, the Company was forced to terminate Ms. Watts' employment because she failed to accept any of the positions offered, and failed to return to work on a full-time basis.

Montgomery Ventures denies all allegations of Ms. Watts' Charge of Discrimination not specifically admitted.

III. Conclusion

Montgomery Ventures, LLC did not discriminate against Heather Watts based on her pregnancy or any other reason. For all these reasons, Montgomery Ventures respectfully requests that the EEOC issue a no cause determination and dismiss the charge.

This 4 day of April, 2006.


MORRIS, MANNING & MARTIN, LLP

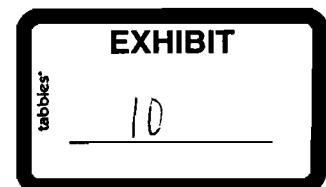
R. Jason D'Cruz
Daniel S. Fellner
Attorneys for Montgomery Ventures, LLC
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 233-7000

AFFIDAVIT OF HEATHER WATTS

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

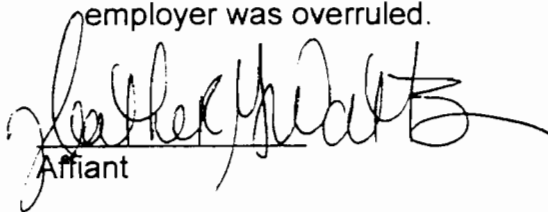
Personally appeared affiant, HEATHER WATTS, who being duly sworn, says:

1. This affidavit is given on the basis of the affiant having knowledge pertaining to sex/pregnancy discrimination and termination November 2, 2005.
2. My address is: 6976 Eastern Shore Road, Montgomery AL 36117 and my phone number (334) 244-8077.
3. I was employed at the Marriott Fairfield Inn from June 2004 as director of sales and marketing. General Manager Todd Epplin was told me the hotel had not made budget for 12-18 months before I was hired. From the first quarter, I brought in enough business to make the hotel profitable. I started at \$35,000 per year and was earning \$38,000 when I left, plus bonuses of \$3,800 per quarter.
4. When I first became pregnant, Roger Miller, vice president of sales and marketing at Hospitality Ventures, my employer, told me that I could take maternity leave. We worked on hiring an intern, Tandi Mitchell, to take over my job duties when I went on leave. Mr. Epplin agreed with Miller that I could be on maternity leave and gave Tandi and me training time up until the time I left. We talked about the length of my leave for several months.
5. My child was born on August 12, and I took unpaid maternity leave, starting Aug. 11. I never had received a company handbook, but I had requested the leave in writing. No one contested my right to FMLA/maternity leave. I took leave starting on August 11, 2005, and was not due to return to work until November 9.



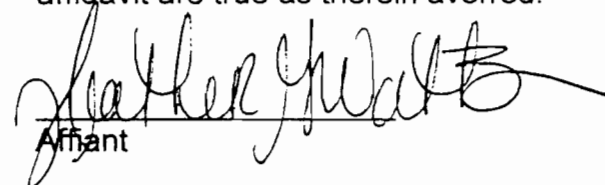
6. My employer, however, continued to give me assignments during this period, paying me for seven hours a week. Tammy Dominguez, the new hotel manager, had tried to get me to come back to work three days a week at the hotel during my maternity leave, but my newborn developed an ear infection, and I was not able to work those hours during my maternity leave.
7. Typically, more than half of my work had been performed at home and outside the hotel, because of the nature of my job.
8. I was working on a marketing plan for the hotel while I was on maternity leave. Ms. Dominguez was asked on Wednesday October 19, to bring in all my work on the plan and to copy all of it, in her presence. Yet, when Roger Miller came to town to discuss the plan the following week, I was not invited to meet with him. I began to feel uneasy about my job status.
9. On Nov. 2, one week before I was to return from maternity leave, I was called by Ms. Dominguez, and asked if I was going to be able to return to my job fulltime, 35 hours a week. I said yes. She repeated the question, saying "I need to know by 5 p.m.," and I said yes.
10. She called back and said the company was not going to give me that option to come back, that I could resign today or she was terminating me.
11. I went to the hotel at 11:15 a.m. Nov. 3 and got my final check and an order to clean out my office. At 11:46, Ms. Dominguez, she called me again and questioned whether I had called the hotel and asked about FMLA. I said no. She began stating that she "made a mistake," and she could not terminate me due to FMLA. She said I should come in on Nov. 9, my original day back and prepare to work my 35 hours.

12. However I had been required to turnover my laptop and all sales files. The company locked me out of the SalesPro computer database. There was no doubt, that I was fired.
13. Ms. Dominguez does not have custody of her own child. Other company officials had expressed concern over my ability to get child care. This was the only expressed reason for terminating me.
14. The intern who is now assigned to do some of my work, works outside the hotel all but one day a week.
15. I also was told by corporate officials in Atlanta that my medical coverage had been canceled October 30, three days before I was terminated.
16. The company attempted to deny me unemployment benefits, but my employer was overruled.



Affiant

STATE OF ALABAMA }
MONTGOMERY COUNTY }

Before me the undersigned, a Notary Public in and for said County and State, this day personally appeared affiant, who is known to me, and who being first duly sworn deposes and says that the matters and things alleged in the foregoing affidavit are true as therein averred.


Affiant

Sworn and subscribed before me this 8th day of December, 2005.


Notary Public

My commission expires 9-16-07